

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DWAYNE TYRONE SIMMONS,

Plaintiff,

v.

STATE OF TENNESSEE,

Defendants.

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No. 3:11-cv-01149
Judge Haynes

ORDER

Plaintiff, Dwayne Tyrone Simmons, filed this pro se action under 42 U.S.C. § 1983 against a single Defendant, the State of Tennessee. (Docket No. 1). The Plaintiff has filed an application to proceed in forma pauperis. (Docket No. 2).

A review of the Plaintiff's application to proceed in forma pauperis shows that he has insufficient financial resources to pay the filing fee in this action. Therefore, the Clerk will file the complaint in forma pauperis. 28 U.S.C. § 1915(a). However, process shall not issue.

In accordance with the Memorandum filed herewith, the Plaintiff's complaint fails to state claims upon which relief can be granted. Accordingly, this action is hereby **DISMISSED**. 28 U.S.C. § 1915(e)(2)(B)(ii & iii). Because an appeal from the judgment rendered herein would **NOT** be taken in good faith, the Plaintiff is **NOT** certified to pursue an appeal from this judgment in forma pauperis. 28 U.S.C. § 1915(a)(3).

This is the Final Order in this action.

It is so **ORDERED**.

Entered this the 25th day of January 2012.


William J. Haynes, Jr.
United States District Judge